



# BROWN ACT TRAINING

INCLUDES 2026 BROWN ACT & SB 707 UPDATES

City Attorney's Office

City Planning Commission (CPC)

May 7, 2026

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## THE BROWN ACT PURPOSE

"...the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."



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## THE BROWN ACT – OPEN MEETING RULE

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by law.

2026 UPDATE: Riverside must provide two-way telephonic or audiovisual public access beginning July 1, 2026. The City currently provides this access.



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## TO WHOM DOES THE BROWN ACT APPLY?

- City Councils.
- Commissions, Committees and Boards.
- Entities created by a City Council or over which a City Council retains authority.

2026 UPDATE: Under Gov. Code §54952.7, Riverside must provide a copy of the Brown Act to any person appointed to serve as a commissioner.



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## BROWN ACT REQUIREMENTS

- The Brown Act creates certain minimum procedural requirements for conducting meetings.
- One of these rules requires this Commission to adopt rules for the conduct of its business, including the time and place for holding regular meetings.

**2026 UPDATE:** Effective July 1, 2026, Riverside must adopt a written policy on handling disruptions, including from remote participants, ensuring clearing the room is a last resort and non-disruptors can stay or join remotely and what happens if the AV system fails.



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## MEETINGS

- A "meeting" includes any congregation of a majority of the members of the CPC at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the CPC.
- Except as part of an open and noticed meeting, the Brown Act prohibits any use of direct communication, by personal intermediaries, or technological devices by a majority of the CPC to develop a collective concurrence as to action to be taken on an item.
- A majority of the CPC may not e-mail each other to develop a collective concurrence as to action to be taken by the CPC.



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## SERIAL MEETINGS

- A serial meeting is a series of communications, each of which involves less than a quorum of the CPC, but which, taken as a whole, involves a majority of the CPC's members.
- Does not require a collective concurrence to occur in order for there to be a violation.
- City staff is allowed to engage in separate communications outside of a public meeting with members of the CPC in order to answer questions or provide information regarding a matter that is within the subject matter of the CPC provided that staff does not communicate to members of the CPC the comments or position of any other member or members.



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## SERIAL MEETINGS: SOCIAL MEDIA

### 2026 Clarification:

Allows **one-way distribution of factual information** on social media to

- answer questions,
- provide information to the public, or
- to solicit information from the public

**provided that majority do not use platform to discuss** among themselves business of a specific nature that is within the subject matter jurisdiction.

**A Commissioner cannot respond directly to any communication on social media** regarding a matter that is within the subject matter jurisdiction **that is made, posted, or shared by any other Commissioner**, including "communication" by using digital icons or reactions.

**CAUTION:** CPC members should continue to treat social-media interactions as high-risk for inadvertent serial meetings.



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## PUBLIC SPEECH

The public has a right to address the CPC at any meeting on any subject that is within the CPC's subject matter jurisdiction, including participation through two-way remote access.



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## PROCEDURES REGULATING PUBLIC SPEECH

The CPC:

1. May impose reasonable restrictions upon public comment at meetings so long as such restrictions are not too broad and do not constitute "prior restraints."
2. May ask a member of the public from speaking on a matter not within the CPC's subject matter jurisdiction or from addressing their comments to one member rather than the CPC as a whole.

**Tip: Sometimes it is easier to err on the side of caution and allow public the chance to speak**



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## PUBLIC SPEECH, CONT'D

3. May require members of the public wishing to address the CPC to fill out a speaker's card.
  - The public cannot be required to give names or sign a register as a condition of attendance.
  - Many cities do ask for names and addresses during oral communications in order facilitate staff responses or the preparation of minutes. This practice is certainly allowable if it is identified as being voluntary.

### 2026 UPDATE

This rule applies equally to in-person and remote attendees.



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## PUBLIC SPEECH CONT'D

4. May regulate the total amount of time on particular issues and for each individual speaker, subject to the requirements of due process.
  - Time limits of 3 – 5 minutes are most common.
  - The chair is responsible for enforcing the time limit and depending on the board or commission may also monitor the time.



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## AGENDA REQUIREMENTS AND OTHER PROCEDURAL ISSUES

- The agenda must specify the time and location of the meeting and a “brief general description” of each item of business to be transacted or discussed.
- If a matter is not on the agenda, it may not be discussed or acted upon.

### 2026 UPDATE

- When remote participation is offered, agendas must include instructions for remote access.
- Riverside must provide language-appropriate agenda translations based on the communities' needs.



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## EXCEPTIONS

- Brief responses by members of the legislative body and staff to statements or questions posed by the public.
- Questions for clarification.
- References to staff or other resources for factual information.
- Requests to staff to report back on an issue at a subsequent meeting.
- Requests to agendize a matter of business for some future meeting.
- Brief announcement by members of the body or staff and brief reports on their activities.



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## SUNSHINE ORDINANCE

The Sunshine Ordinance was adopted October 6, 2015. As amended in 2025, It can be found in Title 4 of the Riverside Municipal Code.

- It requires posting a copy or image of the CPC agenda and all reports and presentations in a location freely accessible to the public no later than 12 days before the date of the meeting.



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## EXCUSE OF THE SUNSHINE ORDINANCE

- There is a need to take immediate action on an item to avoid a substantial impact that would occur if the matter is deferred.
- The matter is an emergency to avoid a work stoppage, crippling disaster or other activity exists which severely impairs public health, safety or both.
- See RMC 4.05.050 for additional excuse and exceptions.



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## SUPPLEMENTAL MATERIALS

- You can supplement the agenda or agenda related materials no later than 72 hours before a regular meeting but only if to:
  - Add an item due to an emergency
  - Delete a matter from the agenda
  - Provide additional information or materials that was not known to staff or considered relevant at the time
  - Correct errors or omission or change a stated financial amount
  - Continue an item to a future agenda



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## INDIVIDUAL COMMISSIONER'S REMOTE PARTICIPATION

### 2026 NEW RULES

SB 707 establishes new participation rules:

- NEW: Reasonable Accommodation (Disability)
- Expands "Just Cause" Remote Attendance



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## INDIVIDUAL COMMISSIONER'S REMOTE PARTICIPATION

### Reasonable Accommodation (Disability)

- Commissioners with a statutory disability may participate remotely.
- Must use two-way audio and video
- Must disclose adults over 18 present in the remote location.



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## INDIVIDUAL COMMISSIONER'S REMOTE PARTICIPATION

### "Just Cause" Remote Attendance

- May be used for
  1. Childcare/Caregiving
  2. Contagious Illness
  3. Physical or mental condition
  4. Travel on official business
  5. Immuno-compromised family member
  6. Military service obligations
  7. Physical or medical emergency
- LIMIT: 5 meeting per year (must notify as soon as possible).
- Commissioner must disclose the reason
- Requires audio/video



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## Q & A



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